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| APPLICATION NO.      | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 09/985,880           | 11/06/2001  | Andrew Hamilton      | 003636.0131         | 4508             |
| 7590                 | 02/02/2010  |                      | EXAMINER            |                  |
| ASHOK K. MANNAVA     |             |                      | VO, TED T           |                  |
| 281 MURTHA STREET    |             |                      |                     |                  |
| ALEXANDRIA, VA 22304 |             |                      | ART UNIT            | PAPER NUMBER     |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                                      |  |
|------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/985,880 | <b>Applicant(s)</b><br>HAMILTON ET AL. |
|                              | <b>Examiner</b><br>TED T. VO         | <b>Art Unit</b><br>2191                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### Status

1) Responsive to communication(s) filed on 24 January 2008.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-36 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 4-12, 16-24 and 28-36 is/are allowed.  
 6) Claim(s) 1-3, 13-15 and 25-27 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 06 November 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-146/06)  
 Paper No(s)/Mail Date 01/10/08, 01/24/08, 01/24/08

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date: \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is in response to the amendment filed on 01/24/2008.

Claims 1, 13, 15, 25, 27 are amended.

Claims 1-36 remain pending in the application.

***Terms' definition***

2. The known terms are listed in the action to support implicit use in the prior arts.

The screenshot shows a search result for "runtime engine" from the Computer Desktop Encyclopedia. The title of the page is "Computer Desktop Encyclopedia: runtime engine". Below the title, there are several links related to runtime errors:

- [How to Fix Runtime Errors](#)
- [AskNerd explains what runtime errors are and how to fix them](#)
- [asknerd.net](#)
- [How to Fix Runtime Error](#)
- [Fixing Runtime Error is Simple Just Follow These 4 Simple Steps!](#)
- [Runtime Errors windowsupport.biz](#)

At the bottom of the page, there is a navigation bar with links to Home, Library, Technology, and Computer Encyclopedia.

Software that certain applications depend on to run in the computer. The runtime engine must be running in the computer in order for the application to execute. It provides common routines and functions that the applications require, and it typically converts the program, which is in an interim, intermediate language, into machine language.

One might call an operating system a runtime engine because it is always required. Indeed, it "is" the essential runtime engine. However, an operating system is not classified as a runtime engine, but it would fall into the "runtime environment" category (see [runtime environment](#)).

**Runtime Examples**

Java programs require the Java Virtual Machine runtime engine in order to run (see [Java](#)). The same goes for Visual Basic programs, which cannot be executed natively in the computer. They need the runtime module that converts the Visual Basic code into the machine language of the computer. In a Windows PC, the actual VB runtime module is named VBRUNxxx.DLL, where xxx is the version number (300, 400, 500, etc.).

***Response to Amendment***

3. Applicants' amendment and arguments have been fully considered.

It should be noted that claims 1, 3, 13, 15, 25, and 27 show merely "execution". For example, in claim 1:

*"executing said at least one application program by said run-time engine in said handheld mobile wireless client device to create screen definitions from said non-compiled screen definitions with said at least one application program at run-time as if said screen definitions had been defined at compile time".*

It should be noted that the term "said at least", is repeated in many places in the claims; it does not know how many applications in the execution and does not know which application is executed.

It should be noted that the claimed recitation is intended to *handheld mobile wireless client device*; however, a standard compute device like a computer is also *handheld mobile wireless client device*. For example, a laptop computer has the same functionality of a standard computer, and it is a handheld device.

In general, even though the claims intended to a certain compute device, it has no further recitations be different with a standard computer running by standard windows. Thus, the claims are implicitly anticipated by an operation in a computer connected via a network implementing a standard Windows or using a standard browser. The type of the operation is known before the

filing date of this application. Such an operation is PALM OS, Windows CE, Windows 95, or Windows NT etc.

It should be note that Windows/browser can do the same as the execution of the claims. The windows CE is known as a runtime engine (by terms' definition) for pocketPC, Windows Mobiles, smartphone, and many types of handheld devices. It allows files, applications to register and to execute.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-2, 13-15, 25-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 13, 15, 25 and 27 are unclear. For example, within the limitations of claim 1:  
*“receiving at least one application program in a handheld mobile wireless client device,  
said at least one application program comprising compiled program scripts and non-  
compiled screen definitions;*

*activating said at least one application program in said handheld mobile wireless client  
device;*

*instantiating [[a]] said run-time engine in said handheld mobile wireless client device;*

*and*

*executing said at least one application program by said run-time engine in said handheld mobile wireless client device to create screen definitions from said non-compiled screen definitions with said at least one application program at run-time as if said screen definitions had been defined at compile time.”,*

the functionality of the claim is unclear. The claim's logic is full of contradiction.

Analysis: The claim recites “receiving at least one application program”. Thus, assume that it has received one application program. It recites: said [at least one] application program comprises: program scripts and non-compiled screen definitions. This shows a contradiction for the term “one application program”.

Now, assume that the number of application programs received at the handheld device is greater than one. In the follows phase of the claim, it further recites executing said at least one application program. At this point, there is confusion and contradiction because at least one means it might execute only one (contradicted to the assumption of more than one).

Using a sequence of “said at least one...” does not make the claim sufficient antecedent basis; but ambiguously points out the claim subject matters.

Applicant should use only “receiving an application program” and “said application”. Since the use one application, the added limitation program scripts (3) and non-compiled screen definitions should be amended so that they are part of “one application program”.

For these reason, examiner submits that in the current claim, the terms “application program”, “at least one application program”, “said at least one application program” are all unclear.

Claims 2, 14, and 26 are indefinite because they are dependent on the indefinite Claims.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Microsoft Corporation (hereinafter: Microsoft) “Microsoft Windows CE Toolkit for Visual Basic 6.0 Guided Tour”, MSDN Library, 7-1999.

As per Claim 3: Microsoft discloses,

***3. (previously presented) A method for executing application programs, comprising:***

receiving at least one application program in a client device;  
(Windows CE is installed and run in a handheld client device. For example, see Figure 5, shows

an application name “Project1” created by Visual basic and run in a Handheld PC Pro as a default Device);

***activating said at least one application program;***

See “Project1”; User who creates the “Project1” can rename this application properly (e.g. “NorthwindCustomerInformatiuon”). See Figure 14, a toolkit that provides an application is registered in the file system of a “client device” such as Handheld PC Pro, so that when the “project1” can be carried under this toolkit. See page 4, (“Starting the Windows CE project”);

***instantiating a run-time engine;***

See Figure 14, it includes “run”, “debug”, i.e. “project1” (of Figure 5) can be run or debug by a run-time engine of the Handheld PC Pro)

***executing said at least one application program by said run-time engine;***

***registering a process identification corresponding to said activated said at least one application program; and***

***executing a GO method by said run-time engine.***

(See Figure 14, it provides a run engine “run” or “debug” as in the manner of compilation when a “new project” completely coded; moreover, the Toolkit included with “Setting the Project Properties” (See page 4) provides screen definition setting).

8. Claims 1, 13, 15, 25, and 27 are rejected under 35 U.S.C. 102(a) as being anticipated by Bonifati et al., “Building Multi-device, Content-Centric Applications Using WebML and the W3I3 Tool Suite”, 1-2000, Springer-Verlag, pages 64-75.

**As per Claim 1:** (currently amended) ***A method for executing application***

***programs, comprising:***

***receiving at least one application program in a handheld mobile wireless client device, said at least one application program comprising compiled program scripts and non-compiled screen definitions;***

(A tool in a server side that builds mobile application (see p. 68: i.e. application coded in WebML), this application is received by a mobile device (See p. 70: sec 4, i.e. WAP-enable mobile phone); the mobile application includes pages and style sheets, which are “sever-side scripting language” such as ASP or JSP (see p. 68: sec. 3, p. 69, sec. 3.2; i.e. *compiled program scripts and non-compiled screen definitions*; or see p. 66: style sheet/DTD)

***activating said at least one application program in said handheld mobile wireless client device;***

See p. 73, Fig 6 and its description text in the last three lines

***instantiating [[a]] said run-time engine in said handheld mobile wireless client device; and***

(Note a screen of a mobile phone shown in Fig. 6 is a runtime engine. See p. 66, sec. 2.3: instance is displayed on mobile phone screen )

***executing said at least one application program by said run-time engine in said handheld mobile wireless client device to create screen definitions from said non-compiled screen definitions with said at least one application program at run-time as if said screen definitions had been defined at compile time.***

See p. 73: Fig. 6 is result of a running application from the screen interface/template generation via Hypertext Model.

**As per Claims 13, 15, 25, and 27:** Claims 13, 15, 25 and 27 have the limitation corresponding to functionality performed by the method of Claim 1. The claims are rejected in the same reason set forth in connecting to the rejection of Claim 1.

#### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2191

10. Claims 2, 14, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonifati et al., "Building Multi-device, Content-Centric Applications Using WebML and the W3I3 Tool Suite", in view of Microsoft.com (hereinafter: Microsoft-2), "The Windows® CE SDK- The Tools You Need to Program the Handheld PC", Microsoft Systems Journal, 4-1997.

As per Claim 2:

-Bonifati does not disclose the limitation recited in Claim 2. However, Bonifati suggests its Engine is web supported, interacted with a server-side that produces HTML pages, web sites, on the mobile phone.

-Microsoft discloses (a handheld device using Windows CE that is able to register an application via a registry edit (See Microsoft-2, p. 7-8, Figure 5)) "***registering said at least one application program with an operating system of said client device; and displaying an icon configured to represent said at least one application program in response to said registration***".

-Therefore, it would be obvious to ordinary in the art to incorporate the registry system as Microsoft into the disclosure of Bonifati as for conforming to an execution requirement of operating system standardized in any computing device; thus, it allows the device to know the application.

As per Claims 14 and 26: Claims 14 and 26 have the limitation corresponding to functionality performed by the method of Claim 2. The claims are rejected in the same reason set forth in connecting to the rejection of Claim 2.

*Allowable Subject Matter*

11. Allowable subject matter of Claims 4-12, 16-24 and 28-36

Claims 4-12,16-24 and 28-36 are allowed because the independent Claims of these Claims are rewritten in independent form including all of the limitations of the base claim and any intervening claims in accordance to Allowable subject matter in the prior action.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number 571-273-8300.

Art Unit: 2191

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTV

January 30, 2010

/Ted T. Vo/  
Primary Examiner, Art Unit 2191